

CONTROL OF TRADE.

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CO-OPERATIVE SUGAR WORKS.

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CRIMINAL LAW.

5 Geo. V.
No. 22.
THE
CRIMINAL
CODE
AMENDMENT
ACT OF 1914.

An Act to further Amend the Criminal Code by making Provision for the Detention and Control of Habitual Criminals.

[ASSENTED TO 3RD DECEMBER, 1914.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title and construction of Act.

1. This Act may be cited as "*The Criminal Code Amendment Act of 1914*," and shall be read as one with "*The Criminal Code*."*

Habitual Criminals.

Amendment of s. 18.

2. (1.) In section eighteen of the Criminal Code,* after the words "Imprisonment without hard labour," the words "Detention in a reformatory prison" are inserted.

Amendment of Code as to Habitual Criminals.

(2.) The following sections comprising Chapter LXIVA. are inserted after section six hundred and fifty-nine of the Criminal Code,* and shall in the said Code bear the numbers respectively set against them in square brackets:—

CHAPTER LXIVA.

HABITUAL CRIMINALS.

Judge may Declare Convicted Person an Habitual Criminal.

3. [659A.] (1.) Where any person—

(a) Is convicted on indictment of an offence included in the offences mentioned in Chapter XXII.; and

* 63 Vic. No. 9, Schedule I., *supra*, page 344.

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- (b) Has been previously so convicted on indictment on at least two occasions of any of the said offences (whether of the same description of offence or not);

the judge may in his discretion declare as part of the sentence of such person that he is an habitual criminal.

(2.) Where any person—

- (a) Is convicted on indictment of an offence included in the offences mentioned in Chapters XVIII., XXIX., XXXVI. to XLI. inclusive, XLVI., XLIX., and LI.; and
- (b) Has been previously convicted on indictment on at least three occasions of an offence included in the offences mentioned in Chapters XVIII., XXII., XXIX., XXXVI. to XLI. inclusive, XLVI., XLIX., and LI. (whether of the same description of offence or not);

the judge may in his discretion declare as part of the sentence of such person that he is an habitual criminal.

(3.) Where any person—

- (a) Has been previously convicted on indictment on at least two occasions of an offence included in the offences mentioned in Chapters XVIII., XXII., XXIX., XXXVI. to XLI. inclusive, XLVI., XLIX., and LI. (whether of the same description of offence or not); and
- (b) Is convicted summarily of any offence punishable by imprisonment for not less than three months; and also
- (c) Has been previously convicted summarily on at least two occasions of any offence punishable by imprisonment for not less than three months;

the court of petty sessions before which the charge is heard, in addition to sentencing such person to any lawful term of imprisonment, may order that such person be brought before the Supreme Court or a judge thereof to be dealt with as an habitual criminal.

(4.) Where any person—

- (a) Is convicted of any offence under "*The Vagrant Acts, 1851 to 1863*,"* or any Act amending or in substitution thereof; and

* 15 Vic. No. 4 and 27 Vic. No. 10, *supra*, pages 3529 *et seq.*

- (b) Has been previously convicted on at least four occasions of any offence mentioned in such Acts (whether of the same description of offence or not);

the court of petty sessions before which the charge is heard, in addition to sentencing such person to any lawful term of imprisonment, may order that such person be brought before the Supreme Court or a judge thereof to be dealt with as an habitual criminal.

(5.) In any of the cases mentioned in the last two preceding subsections, the Supreme Court or a judge thereof may declare any such person to be an habitual criminal, and may direct that on the expiration of his sentence he shall be detained in a reformatory prison under this Code.

(6.) This section applies whether such previous convictions took place within Queensland or for similar offences under similar laws out of Queensland, and either before or after the first day of January, one thousand nine hundred and fifteen.

(7.) For the purposes of this section a committal for sentence under "*The Justices Acts, 1886 to 1909*,"* or any Act amending or in substitution for those Acts, shall be deemed to be a previous conviction on indictment.

Reformatory Prisons.

4. [659B.] (1.) The Governor in Council may from time to time, by Order in Council, set apart any prison or other suitable place to be a reformatory prison for the detention of habitual criminals.

(2.) The Governor in Council may from time to time appoint for each reformatory prison a manager, a matron, and such other officers and attendants as he deems necessary.

Prisons Act and Code to apply.

5. [659c.] Every reformatory prison shall be deemed to be a prison, and every person detained therein shall be deemed to be a prisoner, within the meaning of "*The Prisons Act, 1890*,"† and this Code.

* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

† 54 Vic. No. 17, *supra*, page 2800.

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6. [659D.] (1.) Every habitual criminal shall at the expiration of his sentence be detained during His Majesty's pleasure.

(2.) In every reformatory prison, female prisoners shall be detained in separate buildings or separate parts of the same buildings in such manner as to prevent their seeing, conversing, or holding any intercourse with male prisoners.

Alcoholic Liquor Prohibited.

7. [659E.] No person shall bring into a reformatory prison for the use of the prisoners any alcoholic liquor, nor shall any prisoner be allowed any alcoholic liquor.

Any person who contravenes this section shall be liable to a fine not exceeding one hundred pounds :

Provided that such liquor may be given to and used by the prisoners, when so ordered for medicinal purposes in cases of illness.

Prisoners to be Employed.

8. [659F.] (1.) Prisoners in a reformatory prison shall be employed in such labour as is prescribed by regulations or directed by the Home Secretary.

(2.) Wages, according to the scale prescribed by regulations for the class of labour in which any such prisoner is employed, shall (subject to such regulations) from time to time be credited to such prisoner in an account to be kept in each reformatory prison, and the amount from time to time standing to his credit shall be applied wholly or in part, as directed by the Home Secretary, towards maintaining his wife and children (if any) during the period of his detention, and the balance (if any) standing to his credit on his discharge shall be paid over to him.

Discharge.

9. [659G.] (1.) Any person detained under this Act may apply to the Supreme Court or a judge thereof for a recommendation that such person, having sufficiently reformed, or for other sufficient reason, may be discharged.

Such Court or judge may thereupon make inquiry in such manner as is deemed fitting, and on being satisfied that such person has sufficiently reformed, or that there is some other sufficient reason to warrant his discharge, may recommend the Governor to discharge him accordingly.

(2.) The Governor may thereupon direct the discharge of such person; and may order that so long as such person remains in Queensland he shall report his address and occupation to the principal officer of police at the place in which he was convicted, or at such other place as the Commissioner of Police may appoint, for such period, not exceeding two years, and at such intervals as are named in the order.

(3.) Such report may be made either personally or by post letter addressed to the principal officer of police at that place.

Conditions under which Offender may be Arrested.

10. [659H.] (1.) If during the period specified in such order the person so discharged—

- (a) Is proved to any court of petty sessions to have failed without reasonable excuse (the proof whereof shall lie upon him) to report his address and occupation to the proper person at the times and in the manner prescribed by the said order; or
- (b) Is charged by an officer of police with getting his livelihood by dishonest means, and, being brought before any court of petty sessions, it appears to such court that there are reasonable grounds for believing he is getting his livelihood by dishonest means; or
- (c) On being charged with an offence punishable on indictment or summary conviction, and on being required by the court before which he is charged to give his name and address, refuses to do so, or gives a false name or a false address; or
- (d) Is convicted of any offence against "*The Vagrant Acts, 1851 to 1863,*"* or any Act amending or in substitution therefor, or of any indictable offence, or of any offence punishable on summary conviction by imprisonment for not less than three months,

then and in any such case the court before which such proof is given, or before which the offender is so charged or convicted, may direct him, in addition to any penalty or on the completion of any term of imprisonment then

* 15 Vic. No. 4 and 27 Vic. No. 10, *supra*, pages 3529 *et seq.*

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imposed upon him, to be recommitted to a reformatory prison, and he shall be so recommitted accordingly, and the court may grant any necessary warrant for his committal.

(2.) If during the period so specified none of the events aforesaid happens, the person so discharged shall cease to be an habitual criminal.

Regulations.

11. [659F.] The Governor in Council may from time to time make all such regulations as appear necessary for giving effect to this Chapter and particularly for—

- (a) The means of proof of previous conviction ;
- (b) The control and management of any reformatory prison ;
- (c) The good order, discipline, diet, and health of the prisoners therein ; and
- (d) The classes of labour, hours of employment, wages, and deductions from wages of such prisoners.

All such regulations shall, upon publication in the *Gazette*, be read as one with this Code and be of equal validity.

All such regulations shall be laid before both Houses of Parliament within forty days after the making thereof if Parliament is then sitting, or, if not, then within forty days after the commencement of the next session of Parliament.

If either House of Parliament, within the next forty days after any regulations have been so laid before such House, resolves that such regulations or any of them ought to be annulled, the same shall, after the date of such resolution, be of no effect without prejudice to the validity of anything done in the meantime under such regulations or to the making of any new regulations.

CROWN LAND.

See LAND.

DESTITUTE PERSONS RELIEF (INTERSTATE).

See MARRIAGE AND DIVORCE.

DWELLINGS, WORKERS'.

See LABOUR.